

No. 1229/01
 Filed today 10/9/01
 by Shri M. Shrivastava
 M. P. State Administrative Tribunal,
 RAIPUR.

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BEFORE THE M.P. STATE ADMINISTRATIVE TRIBUNAL BENCH RAIPUR

O.A. NO. _____/2001

WP(S) 3771/01

APPLICANT

: Smt. Sanju Shrivastava,
 W/O Shri Chandrahas Shrivastava
 Asstt. Teacher,
 Govt. Adarsh Purva Madhyamik
 Kanya Shala, Durg
 Distt. Durg

VERSUS

NON-APPLICANT

- : 1. State of Chhattisgarh
 through the Secretary
 Department of School
 Education
 D.K.S. Bhavan
 Raipur (C.G.)
2. District Education Officer
 Durg
3. Principal,
 Govt. Adarsh Purva Madhyamik
 Kanya Shala, Durg

ORIGINAL APPLICATION UNDER SECTION 19 OF THE M.P. STATE
 ADMINISTRATIVE TRIBUNAL ACT, 1985

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SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

(Passed on this 9th day of March, 2007)

1. The petitioner while working as Assistant Teacher in Middle School, Durg was transferred to Middle School, Camp I, Bhilai, on the same terms and conditions, vide order dated 6.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 11.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 10.9.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge